

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARTHA FEDORIW	:	CIVIL ACTION NO.:
	:	1:07-CV-07446-HB
Plaintiff,	:	
vs.	:	
CARL ZEISS VISION, INC.	:	JURY TRIAL DEMANDED
	:	
Defendant	:	
and	:	
NEW YORK CONVENTION CENTER	:	
OPERATING CORPORATION	:	
	:	
Cross-Defendant	:	

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND
HER COMPLAINT TO ADD ADDITIONAL DEFENDANTS**

Plaintiff, Martha Fedoriw, by and through her undersigned attorneys hereby moves, pursuant to Fed.R.Civ.P. 15 to amend her Complaint to include other defendants responsible for the premises where she was injured, Reed Exhibition Companies ("Reed") and Freeman Decorating Co. ("Freeman").

1. Plaintiff Vicki Stovall filed her complaint against the above defendants on August 22, 2007 for injuries she sustained on April 2, 2006 while attending the International Vision Expo (the "Expo") located at the Jacob K. Javits Convention Center (the "Javits Center") in New York, NY, which is maintained and operated by defendant New York Convention Center Operating Corporation ("NYCCOC") and lawfully upon the defendants' property, when due to the negligence and carelessness of the defendants, plaintiff was caused to slip, trip, stumble and fall on a defective display of the defendant Carl Zeiss Vision, Inc. ("Zeiss Vision") display within the confines of the Javits Center and was caused to sustain serious and permanent injuries.

2. Plaintiff suffered serious and permanent injuries, including but not limited to a torn medial meniscus and joint effusion of the left knee which required surgery to

attempt to correct; trauma and recurring swelling of her right elbow, shoulder, wrist, and hand; deep vein thrombosis as a result of the knee surgery; and continuing and permanent pain of her arm, shoulder and leg.

3. Plaintiff brought suit against the defendants, the operator of the venue where she was injured, NYCCOC, and the exhibitor of the display where she was injured, Zeiss Vision for negligence in causing her injuries in this Court on August 22, 2007.

4. Defendant NYCCOC submitted a Motion for Summary Judgment, alleging that it was protected from suit by Plaintiff due to the Statute of Limitations. Plaintiff consented and stipulated to the dismissal of NYCCOC as a party to this matter on October 31, 2007.

5. Subsequently, on November 27, 2007, Defendant Zeiss Vision filed its Answer to Plaintiff's Complaint and Crossclaim against Defendant NYCCOC.

6. In the meantime, Defendant NYCCOC provided information to Plaintiff and Defendant Zeiss Vision that there were other parties responsible for the premises where Plaintiff's injury took place: Reed Exhibition Companies, the licensee who leased the space from NYCCOC for the Expo and Freeman Decorating Co., the company responsible for setting up the individual exhibits, including the one used by Defendant Zeiss Vision where Plaintiff was injured.

7. Attorneys for Plaintiff have sought and received written consent from Defendant Zeiss Vision to amend its Complaint to add these additional parties as defendants. Cross-defendant NYCCOC has taken no position at this time, as it has not formally been brought back into the case.

8. Justice requires that these two entities, Reed and Freeman, be added as defendants in this matter, as they were each responsible and therefore, jointly and severally liable, for the dangerous and defective condition which caused Plaintiff's injuries and Plaintiff is well within the statute of limitations, as she was injured in April 2006.

9. Plaintiff submits that since defendant has consented to amend the Complaint and because justice requires such an amendment, the Court should allow plaintiff leave to amend her Complaint to file the attached Amended Complaint (attached hereto as Exhibit "A").

Respectfully submitted,

BY: /s/ Peter A. Greiner
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Attorneys for Plaintiff Martha Fedoriw

DATED: January 16, 2008

CERTIFICATE OF SERVICE

I, Peter A. Greiner, Esquire, hereby certify that, on January 16, 2008, a true and correct copy of the foregoing Plaintiff's Motion for Leave to Amend Her Complaint to Add Additional Defendants was served via the Courts' CM-RCF filing system, upon counsel of record, as follows:

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/s/ Peter A. Greiner
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